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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,775	03/24/2004	Trevor Clark Thompson	034152-003	5913

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EXAMINER

WILLIS, RANDAL L

ART UNIT	PAPER NUMBER
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2629

NOTIFICATION DATE	DELIVERY MODE
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02/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/808,775

Applicant(s)

THOMPSON ET AL.

Examiner

Randal Willis

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendments of application No. 10/808775 filed November 19th 2007. Claims 1-10 are currently pending and have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1,2,4 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Florence (2002/0005835).

Apropos claim 1, Florence teaches:

A computer pointing device (Computer mouse, Fig. 1) comprising:

an outer surface having a first portion (Housing 110, Fig. 1) with an upper surface disposed between first and second side surfaces (left and right side of mouse, Fig. 1), a second portion and a third portion (Actuators 112 and 114, Fig. 1),

said first portion being operative to support a user's palm when said computer pointing device is placed within said user's hand (Housing 110 is body of mouse, Fig. 1),

said first side surface being adapted for engagement by a user's thumb (left side of mouse, Fig. 1), and second side surface being adapted for engagement by another of

the user's fingers (right side of mouse, Fig. 1), said thumb and said another finger being used to grip the computer pointing device there between,

said second portion having first and second movable panel, placed within reach of the user's index finger and fore finger, each of said panels being, operative to transmit a selection command from said computer pointing device to a computer in response to deflection of one of said movable panels (112 and 114 actuators for mouse buttons, Fig. 1 and [0020]);

a first appliqué attached to said first portion of said outer surface (cover member 122, Fig. 1); and

a second appliqué attached to one of said movable panel (cover members 118, Fig. 1).

A third appliqué attached to the other of said movable panels (cover member 120, Fig. 1); and

Fourth and fifth appliqués respectively attached to said first and second side surfaces for facilitating gripping of the computer pointing device by the user (side covering of 122 that cover the left and right side of the mouse, Fig. 1).

Apropos claim 2, Florence teaches:

A computer pointing device as recited in claim 1, wherein said first appliqué and said second appliqué are attached by means of an adhesive ([0021] lines 3-4).

Apropos claim 4, Florence teaches:

A computer pointing device as recited in claim 1, wherein said first appliqué and said second appliqué have a textured top surface ([0006] lines 7-9).

Apropos claim 10, Florence teaches:

A computer pointing device as recited in claim 1, wherein said first appliqué and said second appliqué have advertising printed thereon (Text such as 126 on cover 122 shown in Fig. 2 can be used as advertising. [0009] line 6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 3,6,8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florence (2002/0005835) in view of Lai (2003/0090464).

Apropos claim 3, Florence fails to explicitly teach:

A computer pointing device as recited in claim 1, wherein said first appliqué and said second appliqué are flexible and conform to a non-planar surface.

In the same field of adhesively attached covers for computer mice, Lai teaches a soft foam rubber cover that is aesthetically pleasing and comfortable for the user that conforms to the exterior surface of the mouse ([0010]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the covers of Florence made of a soft pliable material as taught by Lai in order to reduce user discomfort from sweat or the like building up on the mouse ([0004]).

Apropos claim 6, Florence and Lai fail to explicitly teach:

wherein said textured top surface is made from leather.

However examiner takes note that leather is a material common in fabricating grips and the like, and therefore would be obvious to one of ordinary skill to create covers the covers as taught by Florence and Lai with a leather clad surface for enhance user comfort and aesthetic appeal.

Apropos claim 8, Lai further teaches:

A computer pointing device as recited in claim 4, wherein said textured top surface is made from plastic or rubber (Rubber skin 2, [0010]).

Apropos claim 9, Lai further teaches:

A computer pointing device as recited in claim 4, wherein said textured top surface is made from a foam material (soft foam rubber 2, [0010]).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florence in view of Harskamp (6016,138).

Apropos claim 7 Florence and Lai fail to explicitly teach:

wherein said textured top surface is made from a pliable gel.

However in the same field of computer mice, Harskamp teaches a gel-like cushion for the computer mouse that will conform to the user's hand (Col 4 lines 51-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create covers as taught by Florence containing a gel-like material as taught by Harskamp to improve user comfort of the mouse device (Col 3 line 2-3).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florence in view of Song (6,135,876).

Apropos claims 5, Lai teaches:

A computer pointing device as recited in claim 4, wherein said textured top surface is comfortable [0006] line 9

However Lai fails to explicitly teach the surface being made from a fabric.

In the same field of computer mice, Song teaches that a fabric covering is comfortable to hold (Col 2 lines 33-37).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use fabric as taught by Song as the surface of the covers taught by Lai and Florence in order to provide a comfortable surface for the user to hold on to.

Response to Arguments

Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive. Applicant argues that the added limitations are neither shown nor suggest by Florence. However, as mapped above the claimed limitations can still be interpreted to be taught by Florence.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal Willis whose telephone number is 571-270-1461. The examiner can normally be reached on Monday to Thursday, 8am to 5pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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RLW

AMR A. AWAD
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Amr A. Awad", written over the printed name and title.